



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9118 of 2021

1.Kannan
2.Suganya

... Petitioners/Accused Rank No.2 and 4

Vs

The State through,
The Inspector of Police,
Abiramam Police Station,
Ramnad District.

(In Cr.No.386/2021).

... Respondent/Complainant

For Petitioner : Mr.S.J.Chakkaravarthy,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory bail in Crime No. 386 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), **(*) 324**, 427, 448, 354 IPC r/w Section 4 TNPWH Act in Crime No.386 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 05.07.2021, at about 03.30 pm., due to previous incident that had happened on 03.07.2021, the accused had criminally trespassed into the house the defacto complainant's brother Krishnamoorthy, attacked the defacto complainant, her sister, her husband and her sons with wooden-log and iron rod and also pulled their saree with an intention to outrage their modesty. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

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4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed. However, he submitted that the injured person had been discharged from the hospital.

5.Considering the nature of the incident and the fact that the injured person had been discharged from the hospital and hence, custodial interrogation of the petitioners is not necessary in this case, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kamuthi, Ramnad District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

09/07/2021

(*)AMENDED AS PER THE ORDER OF THIS HON'BLE COURT MADE IN CRL MP(MD) No. 5111 OF 2021 IN CRL OP(MD)No.9118 OF 2021,VIDE ORDER DATED 28.07.2021.

(*)FURTHER TWO WEEKS TIME IS GRANTED TO THE PETITIONER TO COMPLY WITH THE CONDITIONS IMPOSED BY THIS COURT FROM THE DATE OF RECEIPT OF A COPY OF THIS ORDER AS LAST CHANCE.

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 09/07/2021 ALREADY DESPATCHED

- 1.THE JUDICIAL MAGISTRATE, KAMUTHI,
RAMANATHAPURAM DISTRICT
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION, RAMNAD DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.S.J.CHAKKKARAVARTHY, Advocate SR.No.4886

ORDER

IN

CRL OP(MD) No.9118 of 2021

Date :09/07/2021

GNS

PK/JC/SAR-III/13.07.2021 : 3P/6C

SS/JC/SAR-I/10.08.2021 : 3P/6C

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